

Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MELISSA GANNON,

Plaintiff,

v.

GEICO ADVANTAGE INSURANCE
COMPANY,

Defendant.

No. 3:24-cv-05420-BJR

**STIPULATED MOTION AND
AMENDED ORDER TO CONTINUE
TRIAL AND AMEND CASE
SCHEDULE BY 90 DAYS**

I. STIPULATED MOTION

The parties, by and through their undersigned counsel of record, have conferred and hereby stipulate and jointly request that the Court continue the trial date and amend the case schedule (ECF No. 15) by 90 days pursuant to Fed. R. Civ. P. Rule 6 and LCR 10(g).

II. LEGAL AUTHORITY

A. Applicable Legal Standard

A [case] schedule may be modified only for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(6) ("A schedule may be modified only for good cause and with the judge's consent."). The decision to modify a scheduling order is within the broad discretion of the district court. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992).

1 **B. Good Cause Exists to Extend the Trial Date and Pre-Trial Deadlines**

2 Good cause exists for a continuance. On November 25, 2024, Geico propounded its first
3 set of interrogatories and requests for production to Plaintiff in order to obtain further
4 information regarding the subject accident, Plaintiff's alleged injuries and treatment, and the
5 factual basis for Plaintiff's claims. Due to Plaintiff's counsel's trial schedule, Plaintiff was
6 unable to provide responses until January 28, 2025. Further, Plaintiff intends to supplement this
7 discovery and has agreed to execute a HIPAA waiver so that Geico may obtain Plaintiff's
8 medical records for consideration.

9 Additionally, as a result of Plaintiff's written discovery responses, Geico is now able to
10 identify intended expert witnesses and is in the process of retaining the necessary experts. Geico
11 anticipates it may request Plaintiff submit to an Independent Medical Examination as Plaintiff
12 alleges the need for further treatment. Plaintiff also intends to conduct further discovery. Ms.
13 Gannon currently works for a classified department within Boeing and as a result of her work
14 schedule, anticipates needing more time to find a mutually agreeable date for the Independent
15 Medical Examination. Plaintiff also intends to designate additional experts but has had trouble
16 contacting these individuals.

17 In light of the foregoing, good cause exists for a continuance. Currently, the deadline to
18 produce Expert Testimony under FRCP 26(a)(2) is February 24, 2025, and the deadline for the
19 completion of Discovery is March 31, 2025. As discussed above, both parties believe they
20 require additional time to conduct discovery, retain experts and conduct depositions of both lay
21 and the disclosed expert witnesses depositions. Further, the deadline to file dispositive motions
22 is currently April 25, 2025. As the parties jointly require further discovery, neither party is able
23 to properly and meaningfully prepare dispositive motions by this deadline.

This is the first request for a continuance. Further, as this request is being made jointly by the parties, a short extension presents no prejudice to either party. Instead, a brief extension provides both parties the benefit of fully investigating the claims and defenses in this action in the spirit of the discovery process.

In light of both parties' desire to conduct more discovery, retain experts and obtain information regarding the matter in order to compose dispositive motions, good cause for a continuance exists. An amendment to the case schedule would allow the parties to conduct discovery, produce all necessary expert and rebuttal testimony, and consider any potential discovery motions. For these reasons, the parties respectfully move the Court to amend the case schedule and extend the trial date in this matter as follows:

EVENT	CURRENT DATE	PROPOSED DATE
Reports from expert witnesses under FRCP 26(a)(2) due	February 24, 2025	April 28, 2025
Discovery completed by	March 31, 2025	May 29, 2025
All dispositive motions must be filed by	April 25, 2025	June 26, 2025
All motions <i>in limine</i> must be filed by	August 13, 2025	September 15, 2025
Joint Pretrial Statement	August 25, 2025	October 27, 2025
Pretrial Conference	September 9, 2025	November 10, 2025
Length of Jury Trial	5 Days	5 Days

DATED this 19th day of February 2025.

LEGAL RESOLUTIONS PLLC

/s/ Josias Flynn
 Josias Flynn, WSBA #44130
 1201 Pacific Ave, Suite 600
 Tacoma, WA 98402

STIPULATED MOTION AND AMENDED ORDER TO
 CONTINUE TRIAL AND AMEND CASE SCHEDULE – 3

LEATHER LAW GROUP
 1848 WESTLAKE AVENUE N, SUITE 100
 SEATTLE, WA 98109
 P: (206) 467-5444 F: (206) 467-5544

253-203-3156

jflynn@legal-resolutions.com

Counsel for Plaintiff

LEATHER LAW GROUP

/s/Thomas Lether

Thomas Lether, WSBA #18089

/s/Sam Colito

Sam Colito, WSBA #42529

/s/Ellen McGraw

Ellen McGraw, WSBA #60240

1848 Westlake Ave N., Suite 100

Seattle, WA 98109

P: 206-467-5444 / F: 206-467-5544

tlether@letherlaw.com

scolito@letherlaw.com

emcgraw@letherlaw.com

*Counsel for GEICO Advantage Insurance
Company*

III. ORDER

The Court having reviewed the above Stipulated Motion, it is hereby ORDERED that the following deadlines are extended 90 days and the case schedule is amended as follows:

EVENT	DATE
Reports from expert witnesses under FRCP 26(a)(2) due	April 28, 2025
Discovery completed by	May 29, 2025
All dispositive motions must be filed by	June 26, 2025
All motions <i>in limine</i> must be filed by	September 15, 2025
Joint Pretrial Statement	October 27, 2025
Pretrial Conference	November 10, 2025
Trial ¹	December 1, 2025
Length of Jury Trial	5 Days

DATED this 20th day of February 2025.



THE HONORABLE BARBARA J. ROTHSTEIN

¹ The previous version of this order omitted the revised trial date.

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the United States of America that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the following party(ies):

Josias Flynn, WSBA No. 44130
Legal Resolutions PLLC
1201 Pacific Ave, Suite 600
Tacoma, WA 98402
253-203-3156
jflynn@legal-resolutions.com
Counsel for Plaintiff

By: ☐ **First Class Mail** ☒ **Email/ECF** ☐ **Legal Messenger**

DATED this 19th day of February 2025 at Seattle, Washington.

s/ Devon Sheehan
Devon Sheehan | Paralegal